

14. (Amended) The system of claim 13 wherein through the use of this formalized framework and associated processes and considerations, a meaning of content management is developed and a set of process considerations required for this definition of content management is provided.

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Contd

15. (Amended) The system of claim 13 wherein through the use of this formalized framework and associated processes and considerations, an assessment of business capabilities to be supported is made.

16. (Amended) The system of claim 15 wherein through the use of this formalized framework and associated processes and considerations, an effective design solution is achieved including an assessment of available hardware and software products and services.

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#### REMARKS

##### Drawings - Paragraph 2

In the office action dated September 11, 2002, the Examiner objected to the drawings as failing to comply with 37 CFR 1.84(p)(5) because they included reference signs not mentioned in the description. The relevant paragraphs and parts of the description which should have contained the indicated reference signs have been corrected in the above amendments to the specification. Please therefore withdraw these objections.

##### Other Specification Changes

Several other paragraphs in the specification have been amended above to replace the Applicant's name wherever it appeared, from "Andersen Consulting" or "Andersen" to the current name "Accenture." This name change legally took effect on January 1, 2001.

### Claim Rejections -35 USC § 112

In the current office action, claims 1-3, 5-11, and 13-16 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because of the use of the phrase “can be” or “may be” in the claims. These claims have been amended to replace the offending phrases with the words “is” or “are” as appropriate to indicate the definiteness required. It is respectfully submitted that these substitutions are mere clarifications and do not limit the scope of any particular element in the claims in any observable way. Please therefore withdraw the rejections based on section 112 second paragraph.

### Claim Rejections - 35 USC § 102

In the current office action the Examiner rejected claims 1-3, and 9-11 under 35 USC 102(e) as being anticipated by Baxter et al (USPN 6,356,903). It is respectfully submitted that Baxter teaches a content management system which offers a solution to only one part of the “content Management and Delivery” problem, storing & display of the content fragments. That is Baxter, like the system Vignette™ described in the specification at page 3, line 4 and page 26, lines 16-21, only provides one way to manage the data fragments by separating them from the templates describing a way to display the data. Applicant’s system as articulated in claim 1 claims a “method for designing a coordinated content management and delivery system comprising the acts of:

- determining *key considerations related to the client environment;*” these considerations include much more than *how* the content is to be stored;
- “providing key processes for use in developing a solution to a system design problem, *the system design problem being the determination of what content management and delivery products and processes to implement, and how to implement them;* and” Baxter teaches nothing about *what products and processes to implement.*

Accordingly, the system of Baxter is merely one of a number of available products that could be used for one part of the system to be developed by applicants method, if Baxter's method of "organizing the content separately from the appearance of the presented information" (Baxter, Abstract) were deemed to be a key consideration, and therefore Baxter cannot anticipate Applicant's claim 1.

Similarly, Applicant's independent claim 9, has similarly been amended to clarify that the system design problem being addressed is *the determination of what content management and delivery products and processes to implement, and how to implement them*. Baxter therefore cannot anticipate this independent claim 9 since Baxter teaches only one approach to content data management. Accordingly, it is respectfully requested that the section 102(e) rejection of independent claims 1 and 9 be withdrawn. Similarly, it is requested that the rejection of dependent claims 2-3 and 10-11 be withdrawn, since amended independent claims 1 and 9 are allowable, the rejection of dependent claims 2-3, which depend from claim 1, and dependent claims 10-11, which depend from claim 9, are also allowable.

#### Claim Rejections - 35 USC § 103

In the current office action, claims 4-8 and 12-16 were rejected under 35 USC 103(a) as being unpatentable over Baxter et al (USPN 6,356,903), as applied to claims 1 and 9, in further view of Swartz et al (USPN 6,236,994). As indicated above, Baxter does not teach the amended claims 1 and 9. Swartz, like Baxter, teaches a system that has nothing to do with Applicant's method and system as claimed. Swartz teaches 'interoperability and synchronization between heterogeneous document and data sources' -(page 1, lines 12-15). The focus of Swartz is on data and documents versus content, data and documents for the purpose of assembling "regulatory" reports for assisting " 'regulatory' knowledge workers who are responsible for making and supporting conclusions based on a complete set of information sources." Swartz teaches doing this by saying that "implementation of such a framework necessarily includes tools that, as described above, provide: a mechanism to automatically build an integration knowledge

base based on user-specified linkages useful for processing information in support of analysis and decision making; graphically represent the integrated knowledge base; and enable the construction of regulatory proof (a logical argument based on assertions that support some hypotheses - the goal is to help clarify the 'reasoning' used to reach the conclusion - and should be useful throughout the knowledge generation life cycle by enabling identification of the existence or lack of supporting data, contradictory data, and facilitating exploration of the impact of new data)." (Col. 18, line 54 to Col. 19, line 4). Thus the "framework" of Swartz is used to provide a "mechanism to automatically build an integration knowledge base based on user-specified linkages useful for processing information in support of analysis and decision making; graphically represent the integrated knowledge base; and *enable the construction of regulatory proof*". This "framework" does not teach applicant's framework for "showing basic content management and delivery element relationships, whereby such a solution to the system design problem is produced", and where the system design problem in question is "the determination of what content management and delivery products and processes to implement, and how to implement them" as positively articulated by amended independent claims 1 and 9.

Accordingly, Swartz does not teach Applicant's invention as claimed in the amended claims directly, nor does it teach Applicant's invention in combination with Baxter which itself does not teach the amended claims.

Moreover, we would remind the patent office that even though Baxter and Swartz are concerned with "management of content" in the broadest sense of the words "management" and "content", this is not enough under the ruling of *In Re Sang Su Lee*, 277 F.3d 1338; 61 U.S.P.Q.2D (BNA) 1430, (Fed. Cir. January 18, 2002) to conclude that it would have been obvious to combine the teachings of Baxter and Swartz. In this case the court said "With respect to Lee's application, neither the examiner nor the Board adequately supported the selection and combination of the Nortrup and Thunderchopper references to render obvious that which Lee described. The examiner's conclusory statements that "the demonstration mode is just a programmable feature which can be used in many different device[s] for providing automatic

introduction by adding the proper programming software" and that "another motivation would be that the automatic demonstration mode is user friendly and it functions as a tutorial" do not adequately address the issue of motivation to combine. This factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority. It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to "[use] that which the inventor taught against its teacher." W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Thus the Board must not only assure that the requisite findings are made, based on evidence of record, but must also explain the reasoning by which the findings are deemed to support the agency's conclusion."

The patent office is therefore respectfully requested to withdraw the section 103(a) rejections of claims 4-8 and 12-16. These dependent claims have been shown to depend from allowable amended independent claims 1 and 9 and are therefore allowable as well. Moreover these dependent claims have been shown to be allowable over Baxter and Swartz in combination.

### CONCLUSION

As indicated above, the revisions to the specification which were required have been made and are submitted herewith. No new matter has been added. Claims 1-3, 5-11 and 13-16 have been amended, and all claims now pending have been shown to be allowable. It is therefore respectfully requested that the application be passed to issue.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this

document to Deposit Account No. 03-1952 referencing docket no. 426882000500. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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## VERSION WITH MARKINGS TO SHOW CHANGES

### In the Specification

At page, 1 line 7, replace the paragraph which begins “This application is . . .” with the following:

This application is related to co-pending United States patent application serial number 09/321,951 filed May 27, 1999 titled “A System, Method, and Article of [Mmanufacture] Manufacturing For Providing Content Management-Related Web Application Services” which is fully incorporated herein by reference, and to US patent application serial number 10/071,357 filed February 7, 2002 titled “Improvements in and Relating to Multi-Media Management Systems”, and to US patent application serial number 10/269,683 filed October 11, 2002 titled “Corporate Content Management and Delivery.”

At page 6, line 11, please replace the paragraph which begins “A number of companies . . .” with the following:

A number of companies have expressed a desire for such a coordinated, web-based content management and delivery system. For example, [Andersen Consulting™] Accenture LLP™ (assignee of this invention) submitted a conceptual design of such a system in a confidential response to a confidential Request for Proposal (RFP) in November 1999. The RFP solicited bids for a Marketing Content Management, Output Production and E-Business project. The [Andersen Consulting] Accenture bid was not selected and the system proposed has since been discussed with potential clients on a confidential basis during the period from February through June 2000.

At page 11, line 25, please replace the paragraph which begins “Some of the elements . . .” with the following:

Some of the elements of a typical Internet network configuration **100** are shown in **Figure 1**, wherein a number of client machines **105** possibly in a remote local office, are shown connected to a gateway/hub/tunnel-server/etc. **106** which is itself connected to the internet **107** via some internet service provider (ISP) connection **108**. Also shown are other possible clients **101**, **103** similarly connected to the internet **107** via an ISP connection **104**, with these units

communicating to possibly a central lab or office via an ISP connection 109 to a gateway/tunnel-server 110 which is connected 111 to various enterprise application servers 112, 113, 114 which could be connected through another hub/router 115 to various local clients 116, 117, 118. Any of these servers 112, 113, 114 could function as a development server for the analysis of potential content management and delivery design solutions as described in the present invention, as more fully described below.

At page 12, line 7, please replace the paragraph which begins "An embodiment of . . ." with the following:

An embodiment of portions of the content management & delivery system of the present invention can operate on a general purpose computer unit 200 which typically includes generally the elements shown in **Figure 2**. The general purpose system 201 includes a motherboard 203 having thereon an input/output ("I/O") section 205, one or more central processing units ("CPU") 207, a display 213, and a memory section 209 which may have a flash memory card 211 related to it. The I/O section 205 is connected to a keyboard 226, other similar general purpose computer units 225, 215, a disk storage unit 223 and a CD-ROM drive unit 217. The CD-ROM drive unit 217 can read a CD-ROM medium 219 which typically contains programs 221 and other data. Logic circuits or other components of these programmed computers will perform series of specifically identified operations dictated by computer programs as described more fully below.

At page 19, line 13, replace the line with the following:

Knowledge (Insight) Management 301

At page 20, line 6, replace the line with the following:

Campaign Planning, Implementation, and Assessment 305



At page 28, line 19, please replace the paragraph that begins with “Application of the Framework . . .” with the following:

Application of the Framework and solutions based upon it need not be just system designs for large clients with enterprise level needs. The following is a representative example of how the Framework was used in conjunction with an effort in an [Andersen Consulting] Accenture Internet Launch Center™.

At page 29, line 1, please replace the paragraph that begins “Use of the framework . . .” with the following:

Use of the framework and related processes provided a point of view that helped shape messages delivered by an [Andersen Consulting] Accenture team in the successful sales presentation. It Framework guided the common understanding of focus areas for the assessment project underway, including the processes involved in managing content, the channels to be supported, and will guide the mapping of products and application development solutions based to the needed capabilities represented with the Framework. The project team used the Content Management and Delivery Framework in order to understand all of the components and how they related. They obtained a better understanding of points of view of content management experts, and integrated these points of view into sales messages. They used their understanding of the client situation (e.g., sources of content, channels to be delivered to) in conjunction with the Framework, key considerations, and processes as described above, to develop sales messages for the client.

#### In the Claims

Please amend claims 1-3, 5-11 and 13-16 as follows:

1. (Amended) A method for designing a coordinated content management and delivery system comprising the acts of:

- determining key considerations related to the client environment;
- providing key processes for use in developing a solution to a system design problem, the system design problem being the determination of what content

management and delivery products and processes to implement, and how to implement them; and

- applying these key considerations and processes to the system design problem with the assistance of a framework showing basic content management and delivery element relationships, whereby such a solution to the system design problem [can be] is produced.

2. (Amended) The method of claim 1 wherein the solution to the system design problem includes facilities whereby coherent sales, training, electronic learning or marketing campaigns [may be] are efficiently generated to web-based and other clients.

3. (Amended) The method of claim 2 wherein the solution to the system design problem includes facilities whereby transaction processing and execution [can be] are monitored and captured for adding data to a target customer's profile.

5. (Amended) The method of claim 4 wherein the formalized framework [can be] is used to guide discussions about desired capabilities of the desired content management and delivery system.

6. (Amended) The method of claim 5 wherein through the use of this formalized framework and associated processes and considerations, a meaning of content management [can be] is developed and a set of process considerations required for this definition of content management [can be] is provided.

7. (Amended) The method of claim 5 wherein through the use of this formalized framework and associated processes and considerations, an assessment of business capabilities to be supported [can be] is made.

8. (Amended) The method of claim 7 wherein through the use of this formalized framework and associated processes and considerations, an effective design solution [can be] is achieved including an assessment of available products and services.

9. (Amended) A system for use in designing a coordinated content management and delivery system comprising:

- a first logic mechanism for determining key considerations related to a client environment;
- a second logic mechanism for determining key processes for use in developing a solution to a system design problem, the system design problem being the determination of what content management and delivery products and processes to implement, and how to implement them; and
- applying these key considerations and processes to the system design problem with the assistance of a framework showing basic content management and delivery element relationships, whereby such a solution to the system design problem [can be] is produced.

10. (Amended) The system of claim 9 wherein the solution to the system design problem includes computer based facilities whereby coherent sales, training, electronic learning or marketing campaigns [may be] are efficiently generated to web-based and other clients.

11. (Amended) The method of claim 10 wherein the solution to the system design problem includes computer based facilities whereby transaction processing and execution [can be] are monitored and captured for adding data to a target customer's profile.

13. (Amended) The system of claim 12 wherein the formalized framework [can be] is used to guide discussions about desired capabilities of the desired content management and delivery system.

14. (Amended) The system of claim 13 wherein through the use of this formalized framework and associated processes and considerations, a meaning of content management [can be] is developed and a set of process considerations required for this definition of content management [can be] is provided.

15. (Amended) The system of claim 13 wherein through the use of this formalized framework and associated processes and considerations, an assessment of business capabilities to be supported [can be] is made.

16. (Amended) The system of claim 15 wherein through the use of this formalized framework and associated processes and considerations, an effective design solution [can be] is achieved including an assessment of available hardware and software products and services.